

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

GARY MILLER, on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

MORGAN STANLEY & CO.  
INCORPORATED,

Defendant.

Civil Action No. 08-cv-3012

**NOTICE OF WITHDRAWAL OF MOTION OF THE MILLER GROUP FOR  
(1) APPOINTMENT AS LEAD PLAINTIFF AND  
(2) APPROVAL OF THEIR SELECTION OF LEAD COUNSEL**

PLEASE TAKE NOTICE that the Miller Group<sup>1</sup> hereby withdraws as a proposed lead plaintiff in this action and any related actions, including but not limited to *Jamail v. Morgan Stanley*, Case No. 08-cv-03178. The Miller Group has learned that a competing lead plaintiff motion has been filed that has a substantial greater financial interest than the Miller Group. Accordingly, the Miller Group believes it is in the best interest of the class to withdraw its motion for lead plaintiff and approval of its selection of lead counsel.

DATED: July 2, 2008

**LEVI & KORSINSKY, LLP**

/s/ Joseph E. Levi

By: \_\_\_\_\_

Joseph E. Levi (JL 0848)  
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**CERTIFICATE OF SERVICE**

<sup>1</sup> The Miller Group is comprised of the following members: Gary Miller, Brian Frank, Gil Halasz, Harold Weinberg, Michael Pepe, Sr. and James Dougherty.

Juan E. Monteverde, being duly admitted attorney authorized to appear before the US District Court, Southern District of New York, under penalties of perjury, affirms as follows:

1. I am over eighteen years of age and am not a party to the above referenced matter.
2. On July 2, 2008 I served the foregoing Motion on:

**Gregory A. Markel**

**Ronit Setton**

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**ATTORNEYS FOR DEFENDANTS**

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**ATTORNEYS FOR PLAINTIFF**

the address designated by said attorneys for that purpose, by depositing a true copy thereof, in a first class pre-paid envelope properly addressed as indicated above and via ECF.

Dated: New York, NY

July 2, 2008

/s/ Juan E. Monteverde

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Juan E. Monteverde